

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

METROPOLITAN LIFE INSURANCE  
COMPANY,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:08-cv-00322

LINDA SUE MASON, et al.,

Defendants.

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**REPORT AND RECOMMENDATION**

The interpleader plaintiff has paid the proceeds of the subject insurance policy into the registry of this court, and no party objects to an order of dismissal of the interpleader plaintiff.

Accordingly, it is hereby recommended that an order be entered as follows:

This case having come before the Court on August 18, 2009, that parties having had the opportunity to object to the dismissal of Plaintiff Metropolitan Life Insurance Company ("MetLife"), no such objections having been filed or made, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff MetLife, after having deposited the life insurance benefits in the amount of \$13,725, plus any applicable interest, that was payable under the General Motors Life and Disability Benefits Program for Hourly Employees ("Plan"), by reason of the death of Nis B. Rask ("Decedent") is now fully released of any and all liability for the life insurance benefits.

IT IS FURTHER ORDERED that MetLife, General Motors Corporation, and the Plan are fully relieved of and discharged from any and all liability with respect to the named Defendants for the life insurance benefits payable under the Plan by reason of the death of Nis B. Rask.

IT IS FURTHER ORDERED that the Defendants are enjoined and restrained from instituting any other action in any state or United States court against MetLife, General Motors Corporation (now known as Motors Liquidation Company), or the Plan for recovery of the Plan Benefits payable as a consequence of the death of the Decedent.

IT IS FURTHER ORDERED that MetLife be, and hereby is DISMISSED WITH PREJUDICE from this action without any additional award of costs, interest or attorney fees to any party.

Respectfully submitted,

Date: August 25, 2009

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).